

Delegated or Committee Planning Application Report and Report of handling as required by Schedule 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 relative to applications for Planning Permission or Planning Permission in Principle

Reference No: 18/00989/PP

Planning Hierarchy: Local Development

Applicant: Glenfeochan Estate

Proposal: Erection of Dwellinghouse, Installation of Sewage Treatment Tank and Formation of Vehicular Access

Site Address: Plot 2, Land South of Balnagowan, Kilmore, by Oban

DECISION ROUTE

Local Government Scotland Act 1973

(A) THE APPLICATION

(i) Development Requiring Express Planning Permission

- Erection of dwellinghouse
- Installation of sewage treatment tank
- Formation of vehicular access

(ii) Other specified operations

- Connection to public water main
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(B) RECOMMENDATION:

Having due regard to the Development Plan and all other material considerations, it is recommended that planning permission be granted subject to the conditions and reasons appended to this report.

(C) HISTORY:

16/01767/PP

Renewal of 13/00064/PP – Granted: 26/08/16

13/00064/PP

Erection of 2 dwellinghouses, formation of vehicular access and installation of private wastewater treatment systems – Granted: 28/06/13

14/01266/PP

Formation of vehicular access – Granted: 16/07/14

15/01514/PNFOR

Formation of forestry track – No Objections: 13/08/15

(D) CONSULTATIONS:

Area Roads Authority

Report dated 15/06/18 advising no objection to the proposed development subject to a number of conditions.

Scottish Water (SW)

Letter dated 15/06/18 stating no objection to the proposal advising that there is sufficient capacity in the Tullich Water Treatment Works but that further investigations may be required. SW further advised that there is no waste water infrastructure within the vicinity of the site.

Scottish Environment Protection Agency (SEPA)

Letter dated 28/06/18 raising no objection to the proposed development and advising that whilst that the site is outwith the SEPA Flood Map it is adjacent to a small partly culverted watercourse and consequently may be at risk of flooding and it is strongly recommended that contact is made with the Council's Flood Risk Management Team to glean information/local knowledge of the site.

Flood Risk Manager (FRM)

Finalised report dated 30/08/18 advising that the proposed finished floor level of the proposed dwellinghouse is 21.35 metres AOD which is 4 metres above the bed level of the burn at 17.35 metres AOD and accordingly no Flood Risk Assessment is required.

Kilmore and Kilbride Community Council (KKCC)

E-mail dated 03/07/18 summarised as follows.

“KKCC submitted its views regarding the size of the existing Kilmore settlement saying they believed it to be complete in size and shape in response to the last Lorn plan.

KKCC believed that the proposed the forest track was for the sole purpose of timber extraction. Should KKCC have known that the forest track could be utilised for other purposes they may have formed a different view of the proposal. KKCC could not find reference to the surface treatment that may be applied to the current access track and would object to a tarmac road as it would be out of character in a field designated as countryside.

KKCC supported the local community in their wish to return the area approved for the two dwellinghouses to countryside, which is the designation of the surrounding land. .

Local residents access their plots from the UC25. A service road from the forest track is on designated countryside land which the KKCC view as extending the settlement zone. . The KKCC supports the feelings of the local residents and feels strongly that the surrounding land designated countryside should not be used for the purposes of accessing plot 2.

The KKCC are concerned that changing the use of the forest track to a service road sets a precedent that may be built upon and further developments may occur. Especially the extension to the infill area.

From the Roads department, it appears that a burden will be attached to the plots 1 and 2 for a passing place to be made on the UC25. KKCC would like to be invited by the roads department to the discussion about placement of such an area. The drives of current homes are often used for this purpose we would welcome a new passing place.

We note that parking for 3 vehicles was also stated by the roads department for plots 1 and 2 but the plans only indicate 2”.

Comment: It is noted that the KKCC has submitted a representation to the Development Plan Team regarding their proposed inclusion of the area currently contained within the settlement of Kilmore of which the current application forms part of and that the local community wish to return the area to countryside which is the designation of the surrounding land. However, this current application must be assessed having regard to the current adopted Local Development Plan and all other material planning considerations.

With regards to the prior notification, at the time of submission there was no indication to the Planning Authority that the forest track was to be used for any use other than forestry.

The proposal would not change the use of the forest track to a service road, it would merely provide a short span of new access from the forest track to serve the dwellinghouse proposed on plot 2. The approval of the access would not set a precedent for any further development with any future planning applications requiring to be considered in terms of the relevant Development Plan in force at the time.

With regards to the KKCC being involved in the selection process for the proposed passing place, this is something which should be discussed directly with the Roads Authority.

There is sufficient area within the site to accommodate three parking spaces and it is proposed to impose a condition on the grant of planning permission requiring such details to be submitted for approval.

Scottish and Southern Energy (SSE)

E-mail dated 14/06/18 advising that the proposed development is in close proximity to an overhead line and therefore the applicant should be advised of the need to follow the guidance of Health and Safety Executive Document GS 6 “Avoidance of Danger from Overhead Lines”. The applicant is advised to contact SSE prior to proceeding with the development in order that a quotation can be prepared for the deviation of the overhead line. An informative to this effect will be attached to the grant of planning permission.

The above represents a summary of the issues raised. Full details of the consultation responses are available on the Council’s Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(E) PUBLICITY:

The proposal has been advertised in terms of Regulation 20 and Neighbour Notification procedures, overall closing date 19/07/18.

(F) REPRESENTATIONS:

20 objections have been received to the proposed development

E. McColl, Ferndale, Musdale Road, Kilmore, PA34 4XX (18/07/18)
Lindsay Campbell, Merle, Kilmore, PA34 4XX (18/07/18)
Barbara Campbell, Merle, Kilmore, PA34 4XX (18/07/18)
Duncan Campbell, Merle, Kilmore, PA34 4XX (18/08/18)
Mr Roni MacDonald, Riverside Cottage, Kilmore, PA34 4XX (04/07/18)
Charles Sillett, Kilmore Farmhouse, Kilmore, PA34 4XX (03/07/18)
Alison Carre (by e-mail 04/07/18)
Tristan Carre (by e-mail 03/07/18)
Andrew I.A. MacArthur, Tigh an Eaglais, Kilmore, PA34 4XX (03/07/18)
Caroline Booth, Meadow Croft, Kilmore, PA34 4XX (03/07/18)
Tom Turnbull, Meadow Croft, Kilmore, PA34 4XX (03/07/18)
Donald M. Morrison (by e-mail 02/07/18)
Ruairidh M. Morrison (by e-mail 02/07/18)
Mary M. Morrison (by e-mail 02/07/18)
Mr J. Darby, Sheep Fank Cottage, Kilmore (02/07/18)
Mrs J. Darby, Sheep Fank Cottage, Kilmore (02/07/18)
Dan White, An Sabhal, Kilmore, PA34 4XX (02/07/18)
Jane White, An Sabhal, Kilmore, PA34 4XX (02/07/18)
Karen Nelson (by e-mail 01/07/18)
Brian Nelson (by e-mail 01/07/18)

Summary of issues raised

- It was understood that the forest track was temporary for the sole purpose of timber extraction and at no stage was it made clear to neighbours, local residents or the KKCC that this forest track was to be integral to future housing development(s).

Comment: The new forest access was constructed as 'permitted development' following the submission and approval of a 'prior notification' application to the Council (reference 15/01514/PNFOR). The forestry haul access granted at that time was not intended to be temporary and was assessed and consented as a reasonable access for the extraction of timber as an essential part of effective forest management and in order to limit heavy vehicles using the Kilmore to Musdale unclassified public road and thereby minimise local disruption. Whilst the substantial part of this new forest access is still required for timber haulage, it is proposed to construct a small spur off it in order to provide a separate access to the already consented Plot 2 residential development.

- The area for the proposed access is on land which is not designated for development in the adopted 'Argyll and Bute Local Development Plan' 2015.

Comment: Whilst the land on which the access track is proposed is within the 'Countryside Zone' as defined in the LDP, in this instance there will be no above ground built development and it is considered that the short stretch of access track can be accommodated within the site without any significant adverse visual impact on the wider landscape.

- The granting of planning permission for the proposed access from the forest track would set a precedent. If permitted, this method of access could be used as

justification to provide for further extensive housing development to take place on land that is presently designated as countryside zone.

Comment: Each application for planning permission is considered on its own merits in accordance with the relevant policies and guidance of the Development Plan in force at the time. All land surrounding the application site is designated as 'Countryside Zone' where there is currently a presumption against built development unless it accords with a number of criteria.

- The current proposal presents a significant, material change of use. Should permission be granted the track and access road will effectively become permanent roadways extending the area of development beyond the already delineated settlement zone.

Comment: The current proposal is merely seeking permission for a short length of access track to serve a dwellinghouse benefiting from a live planning permission. The granting of permission for the access track will in no way extend the established 'Settlement Zone'.

- The layout, siting and design of the proposed development is unsympathetic to neighbouring dwellings as well as intrusive to the natural light currently available to Balnagowan.

Comment: The suitability of the site to accommodate the dwellinghouse has been established by the granting of the previous planning permissions detailed in the history at Section C above. The current application does not change the siting, design or layout of the dwellinghouse previously approved but merely seeks permission for a short stretch of access track from the adjacent forest track to serve the proposed dwellinghouse.

- Despite the site being widely advertised since 2013/2014, there would appear to be little or no interest in this proposed development and the need or attraction for the development is questioned.

Comment: This is not a material consideration in the determination of this planning application.

- The land was returned to countryside usage by Argyll and Bute Council following representations from residents in the Kilmore community. Ironically this was overturned by the Report for the Scottish Government when appealed by one person. It is the belief that this did not reflect the feelings of the local community and which the Council agreed with in 2015.

Comment: The site was included within the settlement zone of Kilmore in the former Argyll and Bute Local Plan, 2009 which was followed through into the adopted 'Argyll and Bute Local Development Plan, 2015.

- Should permission be granted for this track it would seriously undermine the communities trust in our Councillors and Planners as we were assured that the track was only to be used until the forest is extracted with the land then returning to countryside.

Comment: As detailed above, the forest access was constructed as 'permitted development' following the submission and approval of a 'prior notification' application to the Council (reference 15/01514/PNFOR). The forestry haul access granted at that time was not intended to be temporary and was assessed and consented as a reasonable access for the extraction of timber as an essential part of effective forest management and in order to limit heavy vehicles using the Kilmore to Muasdale unclassified public road and thereby minimise local disruption.

- Will the proposed development be used for residential use only or for a business for example a holiday let. If used for holiday letting purposes this could affect the privacy and security of neighbouring properties.

Comment: The dwellinghouse will fall within Class 9 residential use, however there would be no restriction within this Class preventing it from being used for holiday letting purposes.

- Will the Council or owner be required to carry insurance for any damage to adjacent properties as a result of any problems connected with the development.

Comment: This is not a material planning consideration but a civil matter between affected parties should damage occur.

- Concerns over the number of septic tank soakaways already discharging into the land and burn which may already be at capacity.

Comment: The Council's Building Standards Unit and SEPA will apply sufficient control over the detailed arrangements of the proposed foul drainage system to ensure no adverse impact.

The above represents a summary of the issues raised. Full details of the letters of representation are available on the Council's Public Access System by clicking on the following link <http://www.argyll-bute.gov.uk/content/planning/publicaccess>.

(G) SUPPORTING INFORMATION

Has the application been the subject of:

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| (i) Environmental Statement: | No |
| (ii) An appropriate assessment under the Conservation (Natural Habitats) Regulations 1994: | No |
| (iii) A design or design/access statement: | No |
| (iv) A report on the impact of the proposed development e.g. retail impact, transport impact, noise impact, flood risk, drainage impact etc: | No |

(H) PLANNING OBLIGATIONS

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| (i) Is a Section 75 agreement required: | No |
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| (I) Has a Direction been issued by Scottish Ministers in terms of Regulation 30, 31 or 32: | No |
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(J) Section 25 of the Act; Development Plan and any other material considerations over and above those listed above which have been taken into account in the assessment of the application

(i) List of all Development Plan Policy considerations taken into account in assessment of the application.

Argyll and Bute Local Development Plan, 2015

LDP STRAT 1 – Sustainable Development

LDP DM 1 – Development within the Development Management Zones (Minor Settlement of Kilmore and Countryside Zone

LDP 3 – Supporting the Protection Conservation and Enhancement of our Environment

LDP 8 – Supporting the Strength of our Communities

LDP 9 – Development Setting, Layout and Design

LDP 10 – Maximising our Resources and Reducing our Consumption

LDP 11 – Improving our Connectivity and Infrastructure

Supplementary Guidance

SG 2 – Sustainable Siting and Design Principles

SG LDP DEP = Departures to the Local Development Plan

SG LDP ENV 14 – Landscape

SG LDP HOU 1 – General Housing Development including Affordable Housing

SG LDP SERV 1 – Private Sewage Treatment Plans & Wastewater Systems

SG LDP SERV 2 – Incorporation of Natural Features/Sustainable Drainage Systems (SuDS)

SG LDP SERV 7 – Flooding and Land Erosion, The Risk Framework

SG LDP TRAN 4 – New and Existing, Public Roads and Private Access Regimes

SG LDP TRAN 6 – Vehicle Parking Provision

(i) List of all other material planning considerations taken into account in the assessment of the application, having due regard to Annex A of Circular 3/2013.

Argyll and Bute Sustainable Design Guidance, 2006

Scottish Planning Policy (SPP), 2014

Consultee Responses

Third Party Representations

(K) Is the proposal a Schedule 2 Development not requiring an Environmental Impact Assessment: **No**

(L) Has the application been the subject of statutory pre-application consultation (PAC): **No**

(M) Has a sustainability check list been submitted: **No**

(N) Does the Council have an interest in the site: **No**

(O) Requirement for a hearing: **No**

In deciding whether to hold a discretionary hearing, Members should consider:

- How up to date the Development Plan is, the relevance of the policies to the proposed development, and whether the representations are on development plan policy grounds which have recently been considered through the development plan process.
- The degree of local interest and controversy on material considerations, together with the relative size of community affected, set against the relative number of representations and their provenance.

Twenty representations from 11 households have been received regarding the proposal.

The residential development has already been granted a recent and detailed planning permission. That planning permission remains live and capable of being implemented. The current application merely seeks a relatively minor amendment to the existing planning permission for an alternative vehicular access to that previously approved. The assessment of this current planning application therefore rests on a single issue; whether or not the proposed alternative access proposals are acceptable.

Members should note that the detailed planning permission referred to above was subject to consideration by the PPSL Committee at a Local Hearing on 24 June 2013 where Members resolved to approve the permission.

The objections received are detailed but not limited solely to the single, relatively minor, issue currently under consideration. The representations received, together with officer assessment of the relevant planning issues contained within this report, provide all the information required to enable Members to make an informed decision based on all of the material planning considerations in this case, not least the fully adopted 'Argyll and Bute Local Development Plan' 2015 and the direct relevance of key planning policies contained within it.

Accordingly, in this instance, it is not considered that the objections raise any complex or technical issues that haven't been addressed, both by the existing and extant detailed planning permission and/or in the current report of handling. It is not considered that a discretionary local hearing would add value to the planning process and it is recommended that the Committee does not hold a hearing prior to the application being determined.

(P) Assessment and summary of determining issues and material considerations

The principle of a dwellinghouse on this site was first established by the granting of planning permission 13/00064/PP on 28 June 2013 for two dwellinghouses further to determination at a Discretionary Hearing by the Planning, Protective Services and Licensing Committee on 24 June 2013.

Permission for the development was subsequently renewed under 16/01767/PP on 26 August 2016 which remains live and capable of implementation on site.

The previous permission proposed a shared access to serve the two dwellinghouses. The sole amendment to the approved and extant development and the single issue subject of this current planning application is that the developer is now seeking an alternative and separate access to serve Plot 2. All other aspects of the development remain as previously approved.

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the majority of the application site which will contain all built development is located within the defined 'settlement' boundary of Kilmore where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance (SG). The area proposed for the vehicular access falls within the countryside designation of the LDP where, generally, new development in the countryside will be resisted unless it represents infill, rounding off or redevelopment. However, in this instance, the proposed short stretch of access track spurring from the recently completed forest track will not result in any above ground built development and it is considered that it can be accommodated without any significant adverse visual impact to the surrounding landscape. The development is therefore considered to be acceptable as a minor departure to the LDP in this case.

The principle of a dwellinghouse on the site has been established by the granting of the previous planning permission with the determining factor in the assessment of this application whether or not the short length of access track within the countryside zone to serve the proposed development is acceptable.

The application has elicited 20 objections triggering the requirement to be determined by the Planning, Protective Services and Licensing Committee.

(Q)	Is the proposal consistent with the Development Plan: The proposal is a minor departure from Policy DM1.	No	.
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(R) Reasons why planning permission should be granted

The principle of a dwellinghouse on this site was first established by the granting of planning permission 13/00064/PP on 28 June 2013 for two dwellinghouses further to determination at a Discretionary Hearing by the Planning, Protective Services and Licensing Committee which was subsequently renewed under 16/01767/PP on 26 August 2016 which remains live and capable of implementation on site.

The short stretch of access track spurring from the recently completed forest track is considered to be acceptable and will not result in any above ground built development and it is considered it can be accommodated within the countryside zone without any significant adverse visual impact to the surrounding landscape.

The siting, design and finishing materials of the proposed dwellinghouse are considered to be acceptable within this area where there is a mix of architectural styles and finishing materials and there are no infrastructure constraints which would preclude development of the site.

The proposal accords with Policies LDP STRAT 1, LDP DM 1, LDP 3, LDP 8, LDP 9, LDP 11 and Supplementary Guidance SG2, SG LDP ENV 13, SG LDP ENV 14, SG LDP HOU 1, SG LDP SERV 2, SG LDP TRAN 4 and SG LDP TRAN 6 of adopted 'Argyll and Bute Local Development Plan' 2015 and there are no other material considerations, including

issues raised by third parties, which would warrant anything other than the application being determined in accordance with the provisions of the development plan.

(S) Reasoned justification for a departure to the provisions of the Development Plan

The short stretch of access track proposed as part of this revised planning application lies within the 'Countryside Zone' where Policy LDP DM 1 of the Development Plan contains a presumption against small scale development. However, in this instance, the proposed access track will not result in any above ground built development and it is considered it can be accommodated without any significant adverse visual impact to the surrounding landscape.

Furthermore, the dwellinghouse which the proposed stretch of vehicular access is intended to serve is wholly within the 'Minor Settlement' of Kilmore.

In this instance, the relatively minor nature of the proposed stretch of access track, and the planning history of the site which it is intended to serve are considered to be material considerations of sufficient weight to justify a 'minor departure' to the provisions of Policy LDP DM 1 of the Development Plan.

(T) Need for notification to Scottish Ministers or Historic Scotland: No

Author of Report: Fiona Scott Date: 31/01/19

Reviewing Officer: Tim Williams Date: 01/01/19

**Angus Gilmour
Head of Planning, Housing and Regulatory Services**

CONDITIONS AND REASONS RELATIVE TO APPLICATION REFERENCE 18/00989/PP

GENERAL

1. The development shall be implemented in accordance with the details specified on the application form dated 06/06/18 and the approved drawing reference numbers:

Plan 1 of 5 (Drawing Number L(Ex) K102)
Plan 2 of 5 (Drawing Number L(PL)K002)
Plan 3 of 5 (Drawing Number L(PL)K003)
Plan 4 of 5 (Drawing Number L(PL)K102)
Plan 5 of 5 (Drawing Number L(PL)K103)

unless the prior written approval of the planning authority is obtained for other materials/finishes/for an amendment to the approved details under Section 64 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: For the purpose of clarity, to ensure that the development is implemented in accordance with the approved details.

Note to Applicant:

- This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period [See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).]
- In order to comply with Sections 27A(1) of the Town and Country Planning (Scotland) Act 1997, prior to works commencing on site it is the responsibility of the developer to complete and submit the attached 'Notice of Initiation of Development' to the Planning Authority specifying the date on which the development will start. Failure to comply with this requirement constitutes a breach of planning control under Section 123(1) of the Act.
- In order to comply with Section 27B(1) of the Town and Country Planning (Scotland) Act 1997 it is the responsibility of the developer to submit the attached 'Notice of Completion' to the Planning Authority specifying the date upon which the development was completed.
- Please note the advice contained in the attached consultation responses from SEPA and SSE. You are advised to contact them direct to discuss the issues raised.

ROADS, ACCESS AND PARKING

2. No development shall commence on site, or is hereby authorised, until an additional passing place has been completed alongside the UC25 Musdale public road between the A816 and the site entrance in accordance with the Council's Roads Engineer Drawing Number SD 08/003a in a location that must first be submitted in plan form to and agreed in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety to ensure the proposed development is served by a safe means of vehicular access with commensurate improvements to the existing access regime.

3. The proposed on-site vehicular parking areas shall provide parking for three vehicles within the site and shall be formed in accordance with the approved plans and brought into use prior to the first occupation of the dwellinghouse hereby approved.

Reason: To enable vehicles to park clear of the access road in the interests of road safety by maintaining unimpeded vehicular access over that road.

4. Notwithstanding the provisions of Condition 1, full details, in plan form, of a bin store at the junction with the public road shall be submitted and approved in writing by the Planning Authority. Thereafter the approved bin store shall be implemented in accordance with the approved details unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

WATER, DRAINAGE AND FLOODING

5. No development shall commence on site, or is hereby authorised, until full details of the proposed means of private foul drainage to serve the development, including evidence of SEPA's consent to the proposed discharge to a watercourse, has been submitted to and approved in writing by the Planning Authority. The duly approved scheme shall be implemented in full concurrently with the development that it is intended to serve and shall be operational prior to the first occupation of the dwellinghouses.

Reason: To ensure that an adequate means of foul drainage is available to serve the development.

6. Notwithstanding the provisions of Condition 1, the development shall incorporate a surface water drainage system which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: To ensure the provision of an adequate surface water drainage system and to prevent flooding.

Note to Applicant:

Further advice on SuDS can be found in SEPA's Standing Advice for Small Scale Development – www.sepa.org.uk

DESIGN AND FINISHES

7. No development shall commence on site, or is hereby authorised, until full details of the proposed material, texture and colour for all external materials have been submitted to and agreed in writing by the Planning Authority. The development shall thereafter be completed in strict accordance with such details as are

approved.

Reason: In the absence of any details having been submitted and to ensure that the development integrates with its setting.

LANDSCAPING

8. No development shall commence on site, or is hereby authorised, until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved in writing by the Planning Authority. The scheme shall comprise a planting plan and schedule which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance.

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity.

APPENDIX A – RELATIVE TO APPLICATION NUMBER: 18/00989/PP

PLANNING LAND USE AND POLICY ASSESSMENT

A. Settlement Strategy

In terms of the adopted 'Argyll and Bute Local Development Plan' (LDP) 2015, the majority of the application site, which will contain all built development, is located within the defined 'settlement' boundary of Kilmore where Policy LDP DM 1 gives encouragement to sustainable forms of development subject to compliance with other relevant policies and supplementary guidance (SG).

The area proposed for the vehicular access into the site falls within the countryside designation of the LDP where, generally, new development in the countryside will be resisted unless it represents infill, rounding off or redevelopment. However, in this instance, the area of land which falls within the countryside zone will accommodate a short area of access track with no above ground built development.

Policy LDP 3 assesses applications for their impact on the natural, human and built environment. The site is not within any landscape or nature designations that require further consideration under the terms of this policy.

Policy LDP 8 supports new sustainable development proposals that seek to strengthen communities with SG LDP HOU 1 expanding on this policy giving support to new housing in the settlements on appropriate sites provided there are no unacceptable environmental, servicing or access issue.

Policy LDP 9 seeks developers to produce and execute a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located. SG 2 expands on this policy seeking development layouts to be compatible with, and consolidate the existing settlement and take into account the relationship with neighbouring properties to ensure no adverse privacy or amenity issues.

Policy LDP 11 supports all development proposals that seek to maintain and improve internal and external connectivity by ensuring that suitable infrastructure is delivered to serve new developments. SG LDP TRAN 4 and SG LDP TRAN 6 expand on this policy seeking to ensure developments are served by a safe means of vehicular access and have an appropriate parking provision within the site.

The proposal has elicited twenty objections from 11 households.

B. Location, Nature and Design of Proposed Development

The principle of a dwellinghouse on this site was first established by the granting of planning permission 13/00064/PP on 28 June 2013 for two dwellinghouses further to determination at a Discretionary Hearing by the Planning, Protective Services and Licensing Committee on 24 June 2013.

Permission for the development was subsequently renewed under 16/01767/PP on 26 August 2016 which remains live and capable of implementation on site.

The site is a flat area of open pasture situated within the minor settlement of Kilmore, bounded on its north and west boundaries existing dwellinghouses and to the south by open farmland. The site offers a suitable opportunity for development within the defined settlement evident by the granting of the previous planning permissions.

The previous permission proposed a shared access to serve the two dwellinghouses with the current application seeking permission for a separate access to serve Plot 2 which is fully discussed at Section C below.

No change to the siting and design of the dwellinghouse previously approved is proposed as part of this application which comprises a contemporary designed one and a half storey dwellinghouse finished in what appears to be white render, dark grey roof finish and areas of timber cladding. There is no distinct architectural style evident in the residential development surrounding the application site or in the wider area which comprises a mix of single, one and a half and one and three quarter storey properties, some traditional with others more contemporary incorporating a variety of finishing materials. Whilst the dwellinghouse subject of this current application is a contemporary designed structure, it is of a scale, design and finish which is considered to be acceptable within this location and will not detract from the setting and character of the existing houses evident from the granting of the previous planning permission and its subsequent renewal. A condition is necessary to control the external finishes to the proposed dwellinghouse in detail.

Furthermore, the positioning and orientation of the dwellinghouse within the site will ensure there are no significant adverse privacy or amenity issues affecting neighbouring properties. The orientation proposed reflects the variety that already exists at the settlement, which forms part of its visual interest, and also accounts for the other constraints of the site including overhead power lines, and the desire to retain an open aspect to the front of Balnagowan.

With conditions it is considered that the proposed dwellinghouse will integrate well within the site without any significant adverse visual impact on the site or wider settlement consistent with the terms of Policy LDP 9 and SG 2 which seek to achieve a high standard of appropriate design and ensure that development is sited and positioned so as to pay regard to the context within which it is located.

C. Road Network, Parking and Associated Transport Matters.

The application proposes to utilise an existing forest track which was granted under 14/01266/PP and 15/01514/PNFOR to serve the proposed dwellinghouse.

The Council's Roads Authority has previously confirmed that the forest access has been formed in accordance with the Council's Standard Roads Drawing SD 08/001a with visibility splays of 2.4m x 53 m and a tarmac finish extending 10 metres back from the channel line of the public road, all of which is evident on site.

The forest access is situated approximately 175 metres to the southeast of the site with the forest track running along the southern boundary of the site extending from the unclassified Musdale Public Road over land to the A816 public road.

The current application proposes to create a spur from the forest track approximately 150 metres along its length to serve the proposed dwellinghouse. The access measures approximately 35 metres in length extending from the forest track into the application site and is to be finished in gravel.

In this instance, the short stretch of access track spurring from the recently completed forest track is considered to be acceptable as it will not result in any above ground built development and it is not considered given the small span proposed it will have any significant adverse visual impact on the surrounding landscape.

In their response to the current application, the Roads Authority raised no objection subject to conditions regarding the construction of the access at the junction of the public road in accordance with Standard Roads Drawing SD 08/004a, clearance of visibility splays, provision of an appropriate level of parking and turning to serve the dwellinghouse and commensurate improvements to the public road by way of provision of a single passing place.

However, the Roads Authority has since advised that, whilst Standard Drawing SD 08/004a allows for the carriageway to be widened across the entrance to 5.5 metres on a single track road, given the extra width of carriageway provided by the much wider bellmouth required by Standard Drawing SD 08/001a, there would be no requirement for such an upgrade. Accordingly there is no requirement for a condition to be imposed to secure the upgrade of the access at the junction with the public road. Conditions will be imposed regarding the other items required by the Roads Authority.

With conditions, the proposal is considered to be acceptable from a road safety perspective and complies with the terms of Policies LP TRAN 4 and LP TRAN 6 which seek to ensure that developments are served by an appropriate means of vehicular access and have a sufficient parking and turning area.

D. Infrastructure

The application indicates that drainage is via installation of a private treatment tank without the outfall to the adjacent stream. No details of the tank has been submitted in support of the application and therefore it is considered appropriate to impose a condition reserving this aspect of the scheme for further approval. The Councils Building Standards Unit and SEPA will apply sufficient control over the detailed arrangements of the system to ensure that no pollution of the burn occurs.

The proposal is considered acceptable in terms of Policy LP SERV 1 in that there is no public sewer within the vicinity of the proposed development to allow connection.

The application indicates connection to the public water main. Scottish Water has been consulted on the proposal and raised no objection advising that Tullich Water Treatment Works currently has capacity to service the proposed development.

The proposal is considered acceptable in terms of Policy LP ENV 1 which seeks to ensure the availability of suitable infrastructure to serve proposed developments.

E. Flooding

The site is identified as being within an area with potential to flood and therefore consultations were undertaken with SEPA and the Council's Flood Risk Manager (FRM). In their response SEPA advised that the site is situated outwith the SEPA Flood Map but is adjacent to a small partly culverted watercourse and consequently may be at risk of flooding and recommended that contact be made with the Council's FRM to glean information/local knowledge of the site. The FRM initially requested deferred decision until such time as a topographic survey was submitted confirming the proposed finished

floor level (FFL) of the proposed dwellinghouse. Further information was submitted from the agent confirming that the proposed FFL of the proposed dwellinghouse will be 21.35 metres AOD which is 4 metres above the bed level of the burn at 17.35 metres AOD which allowed the FRM to advise that no formal Flood Risk Assessment is required.

With conditions to ensure the FFL of the proposed dwellinghouse is as above, the proposal is consistent with Policy LDP 10 and SG LDP SERV 7 which seek to ensure that developments are not at risk of flooding.